

MASSACHUSETTS
STATEWIDE
TUNNEL AGREEMENT

of the Agreement

between

LABOR RELATIONS DIVISION
of the
CONSTRUCTION INDUSTRIES OF MASSACHUSETTS, INC.
and
SIGNATORY CONTRACTORS

and

MASSACHUSETTS & NORTHERN NEW ENGLAND LABORERS' DISTRICT
COUNCIL
of the
LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA, AFL-CIO



EFFECTIVE:

JUNE 1, 2012 - MAY 31, 2017

TERRITORIAL JURISDICTION

This Agreement shall apply to and be effective within all areas of the Commonwealth of Massachusetts.

ARTICLE III

RECOGNITION AND JURISDICTION

The Employer acknowledges and shall honor the Union's claim of jurisdiction and trade autonomy over the following divisions and subdivisions of the trade: All Tunnel work and related underground work shall be considered schedule B work.

Shafts, Tunnels and Subways: Construction and rehabilitation and remodeling of shafts, tunnels, and subways, related to any type of construction project. All underground work involved in mines, underground chambers for storage or other purposes, tunnels, or shafts, vaults, CSO's (combined sewer overflows) Portal entrance tunnels, Road Header mined tunnel work, Segmented tunnels or immersed tubes, built on site, all N.A.T.M. (New Austrian Tunnel Method) tunnel work, Guided Boring, Raised Bores, Horizontal Boring related to tunnel work including brakeman whether in free or compressed air. Drilling and blasting, scaling, mucking and removal of material from tunnels and shafts or the above mentioned tunnel designs or methods. Any explosive or non-explosive breaking agent provided technical representatives would be allowed a reasonable period of on-the-job training to provide experienced, skilled Tunnelworkers for this work. The cutting, drilling and installation of material used for timbering or retimbering, lagging, bracing, propping, Relining, or shoring the tunnel or

shaft, or any of the above mentioned tunnel designs. Auguring of holes and installation of beams of any material, installation of lagging, soil mixing, and contact sheeting in the construction of tunnel related shafts and tunnels and related work, excluding operations where beams are to be driven from ground surface, Tunnelworkers may assist in this method as determined to be necessary by the contractor. Assembly and installation of multiplate, liner plate, rings, slip lining, mesh, mats or forms for any tunnel or shaft, including the setting of rods (rebar) for same. Pouring, pump-creting or gunniting, shot-creting. Any underground work of concrete in any tunnel or shaft. Operation, manual or hydraulic jacking of shields and the use of such other mechanical equipment as may be necessary in tunnels; mole nipping and operation of erector arm equipment and unloading, handling, distribution and installation of all precast section whether of concrete or other material. Operation of air grout pumps, air excavators in shafts; slurry tunneling in free air or compressed air; shafts constructed by slurry wall method connected to tunnel projects; placing and handling of all slurry material in connection with slurry tunneling. All operation of raise boring equipment. The application of all types of job-applied protective epoxy coatings in shafts or tunnels. Unloading and stockpiling of all material delivered to job-site as deemed necessary by contractor at and distribution from any staging area or storage area, of all material related to any work herein.

Closed faced tunneling methods; on Tunnel projects, the operation of all steerable shields and the installation of all underground structures utilizing shields and the installation of all RCP (reinforced concrete pipe) (excluding hoist) on Tunnel projects; microtunneling, pipe jacking, traditional Laborers' work involved in pipe pulling, pipe ramming or pipe shooting or directional drilling thrust boring, horizontal boring, vibrating, ground freezing and de-freezing (thawing of ground) all plant operation and maintenance for ground freeze or de-freeze, the manning of any heaters or boilers to de-freeze ground soil, all waterproofing, vulcanizing and conveyor belt splicing, setting and handling of all shaft and tunnel pumps whether electric, hydraulic, or air, pipe bursting or pipe conveyance of any material, any and all relining of new construction or existing tunnels, no matter of the original construction method used. Whether sewer, water, traffic, pedestrian, utility and subway tunnels. Any and all relining of underground conveyance. Any installation or maintenance on the above mentioned methods involved in underground work. .

Building and set up of all change houses, job site work or restoration work at the end of job, all demolition and removal of any materials at the

end of job, all warehouses, contractor trailers, offices storage trailers. The traditional Laborers' work relating to building and maintaining of all concrete, grout, batch plants when the concrete is for any part of the daily operation of tunnel construction, the building and set up, operation and maintenance of any Plant for the daily operation on any tunnel project.

The traditional Tunnelworkers assignments involved in the operations and maintenance of such tools of the trade as forklifts, lulls, bobcats, pumps, M.U.V. (mine utility vehicle), Tunnel face monitoring in off hours when deemed necessary by the employer.

The traditional Tunnelworkers assignment involved for the welding in pits and shafts.

Regardless of how the project is originally bid or designed, if it is eventually performed as a traditional job, it will be covered by the terms of this agreement.

All portal tunnels will have an assigned entrance man (similar to a top man on a shaft tunnel) whose duties will include all the traditional responsibilities of a Top Man. The issue of the need for a bottom man and a helper is to be discussed and resolved at a pre job conference on portal tunnel projects.

Compressed Air: In compressed air all work underground or in compression chambers, including tending of the outer air lock. All work in compressed air construction, including but not limited to, groutmen, trackmen, blasters, shield drivers, miners, brakemen, miner's helpers, lock tenders, mucking machine operators, motor men, gauge tenders, rodmen, compressed air electricians, setting of liner plate and ring sets, drill runners, powdermen or blasters, air hoist operators, form men, concrete blower operators, cement (insert) operators, power knife operators, car pushers, grout machine operators, steel setters, cage tenders, skimmers, track layers, dump men, diamond drillers, timbermen and retimbermen, cherry pickmen, nippers, chucktenders and cable tenders, vibratormen, jetgun men, gunnite nozzlemen, gunmen, reboundmen, handling and installation of temporary utilities (air, water, hydraulic, discharge from the pump to the termination point and ventilation) and unloading, handling, distribution and installation of baloney cable and all other work connected therewith. All traditional laborers' work in ground freezing.

The Employer agrees to provide and pay for a physical examination for each person working in compressed air, as required by the state and federal codes. For purposes of manning the job, the Employer agrees to examine and pay for one physical examination for a number of persons equal to one hundred percent (100%) of the positions to be filled in the compressed air portion of the job.

On all tunnel projects, emergency-hoisting facilities shall be available and in working condition for all shafts. Said emergency-hoisting facilities shall have independent power sources, and all Employees will be required to use said facilities if necessary, all according to OSHA standards.

The Memorandum of Understanding between the Massachusetts & Northern New England Laborers' District Council, Rhode Island Laborers' District Council, Connecticut Laborers' District Council, and Operating Engineers Locals 4, 57, 98 and 478 entitled, "To Govern Work Jurisdiction in Free Air Tunnels" is specifically incorporated by reference in this agreement, and shall supersede any inconsistent provisions in this agreement. A copy of that Memorandum of Understanding is appended hereto.

This agreement shall also apply to the traditional tunnel laborers' work relating to micro-tunneling and to the traditional laborers' work

relating to any new or future tunneling methods, replacing current tunneling methods which are currently performed by tunnel workers.

This agreement shall also apply to all slurry wall work for tunnel shafts which is traditionally performed by Tunnel Workers Local 88 including, but not limited to, the excavation, building and placement of panels, building rebar mats at the job site, placement of all rebar, mixing slurry, building and placements of forms, concrete placement, set-up/operation/break-down and clean up of mixing plants and tanks, excavation of shafts, shall be the exclusive work of the Tunnel Workers Local 88 and paid according to the Tunnel contract wages and benefits.

Shafts All shaft work related to tunnels is the exclusive work of Tunnel Workers Local 88, including but not limited to: any and all ground support for shaft excavation, shaft excavation, placement of steel rebar mats, building and breakdown of forms, concrete placement, any and all related work traditionally performed by Local 88 Tunnel Workers, no matter of the bid of the subcontractor or what structure will end up on top of shaft when the job is eventually completed, including structures within the shaft and regardless of eventual structures scheduled for construction on the ground above the shaft.

Top Man A top man helper is required on all tunnel projects. The necessity for a top man helper will be discussed at a pre job conference.

Bottom Man The need for a bottom man helper will be discussed at a pre job conference, depending on the nature of each tunnel project. The bottom man does not work as part of the tunnel heading crew after fifty feet into the tunnel.

Brake Man When a locomotive/train or any transport is required, a Local 88 Tunnel Worker shall be assigned to ride the transport to and from the heading. His traditional duties will include coupling and uncoupling of cars, inspecting and tying down loads, assisting in loading and unloading cars at both ends of the tunnel, acting as a safety watchman, signal man and switch man, traditionally known as a brake man. At least one brake man is assigned to each transport. When the train or transport is idling, the brake man may be assigned to perform other tunnel work. The brakeman shall be responsible for the correct positioning of all switches prior to and after the passing of the assigned locomotive / train through the switch.

Pipe Jacking All pipe jacking as related to tunnels shall be considered tunnel work, subject to the terms of the Tunnel Agreement.

Sunken Tube Method of Tunnel Construction When the work is performed at the actual job site, any and all job site work related to the sunken tube method of tunnel construction, including but not limited to all welding and burning, rebar or similar material placement, building and placement and dismantling of forms, all concrete placement and concrete finishing, and the installation of any piping shall be the work of Local Union 88, paid in accordance with the Tunnel Agreement.

Drilling Methods Drilling methods traditionally performed by Tunnel Workers Local 88 will continue to be assigned to Local 88, notwithstanding the fact that the future drilling methods may be operated by remote control telemining devices.

ARTICLE XIII
MASSACHUSETTS LABORERS' HEALTH & WELFARE FUND

Each Employer agrees to pay the sum reflected in Appendix A of this Agreement, per hour for each hour worked by each employee, covered by this Agreement to the Massachusetts Laborers' Health & Welfare Fund.

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ARTICLE XIV
MASSACHUSETTS LABORERS' PENSION FUND

Each Employer agrees to pay the sum reflected in Appendix A of this Agreement, per hour for each hour worked by each employee, covered by this Agreement to the Massachusetts Laborers' Pension Fund.

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ARTICLE XVII
MASSACHUSETTS LABORERS' ANNUITY FUND

Section 3. Each Employer agrees to pay the sum reflected in Addendum A of this Agreement per hour for each hour worked by each employee, covered by this Agreement, to the Massachusetts Laborers' Annuity Fund.

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ARTICLE XXVIII
MASSACHUSETTS LABORERS' APPRENTICESHIP PROGRAM

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- C. The Apprentice wage rates:

<u>Hours of Credit</u>	<u>Wage Rate</u>
0 – 999	60% of Journey Worker
1,000 – 1,999	70% of Journey Worker
2,000 – 2,999	80% of Journey Worker
3,000 – 3,999	90% of Journey Worker
over – 4,000	Journey Worker

- E. The Employer shall pay an Apprentice the full fringe benefit package as described in this contract.
- G. The Employer shall participate in the Apprenticeship Program by accepting apprentices for employment upon referral by the Union. The employer is not obligated to accept more than one (1) Apprentice for every five (5) Journey Workers commencing with the sixth laborer employed.


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ARTICLE XXX
TERMINATION OF AGREEMENT

This Agreement will expire on May 31, 2017, except that if neither party to this Agreement gives notice in writing to the other party on or before March 31, 2017 that it desires a change after May 31, 2017, then this Agreement will continue in effect until May 31, 2018, and so on each year thereafter unless on or before March 31st of each year thereafter, a notice is given by either party.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their duly authorized representatives, this 1st day of June, 2012.

LABOR RELATIONS DIVISION
of CONSTRUCTION INDUSTRIES
of MASSACHUSETTS, INC.
SIGNATORY CONTRACTORS



John D. O'Reilly III, Esq.

MASSACHUSETTS &
NORTHERN NEW ENGLAND
LABORERS' DISTRICT
COUNCIL of the LABORERS'
INTERNATIONAL UNION of
NORTH AMERICA, AFL-CIO
on behalf of Tunnel, Local 88
Boston, MA



Joseph C. Bonfiglio
Business Manager

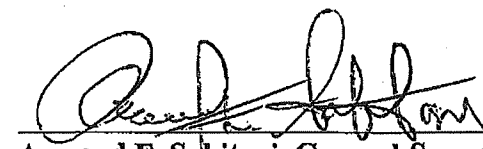


James V. Merloni
President

Date: 11/2/2012

Date: 11/2/2012

Witness:



Armand E. Sabitoni, General-Secretary Treasurer & New
England Regional Manager

APPENDIX A **WAGE RATES AND CLASSIFICATIONS**

FREE AIR

STATE- WIDE TUNNEL RATES

**INCREASES AND ALLOCATIONS ARE IN BOLD PRINT
WAGES & FRINGE BENEFITS**

	6/1/2012	12/1/2012	6/1/2013	12/1/2013	6/1/2014	12/1/2014	6/1/2015	12/1/2015	6/1/2016	12/1/2016
*Increases	0.00	0.55 **	0.75 **	0.75 **	0.75 **	0.75 **	0.75 **	0.75 **	0.75 **	1.00 **
Group 2	36.15									
Group 4	38.15									
Health										
Welfare	7.10									
Pension	7.05									
Annuity	5.95									
Group 2	Groutman-Pumps, Brakeman, Trackman, Miner's Helper, Form Movers & Strippers (wood & steel) Shaft laborer, Laborer Topside, Outside Motorman Miners: Conveyor Operator, Miner Welder, Heading Motormen, Erecting Operators, Mucking Machine Operator, Nozzle Men, Rodmen, Safety Miner, Shaft & Tunnel,									

Steel & Rodman, Mole Nipper, Concrete Worker, Form Erectors (wood & steel and all accessories, Cement Finishers, Top Signal Men, Bottom Men (when heading is 50' from shaft) and all other laborers, Burner, Shield Operator and TBM Operator

Group 4 Hazardous waste work within the "HOT" zone. (a premium of two dollars (\$2.00)
per hour over the basic wage rate)

**STATE- WIDE TUNNEL RATES
IN COMPRESSED AIR**

**INCREASES AND ALLOCATIONS ARE IN BOLD PRINT
WAGES & FRINGE BENEFITS**

	6/1/2012	12/1/2012	6/1/2013	12/1/2013	6/1/2014	12/1/2014	6/1/2015	12/1/2015	6/1/2016	12/1/2016
*Increases	0.00	0.55	0.75	0.75	0.75	0.75	0.75	0.75	0.75	1.00
				**	**	**	**	**	**	**
Group 2	44.08									
Group 4	46.08									
Health Welfare	7.10									
Pension	7.05									
Annuity	5.95									
Group 2	Iron Boss, Grout Boss, Track Boss, Mucking Machine Operator									
	Tunnel Laborers: Brackman, Trackman, Miners, Helpers, Groutman, Lock Tender									
	Helpers, Miner; Motormen, and all others in compressed air									
Group 4	Hazardous waste work within the "HOT" zone. (a premium of two dollars (\$2.00)									
	per hour over the basic wage rate)									